



DECLARATION AND POWER OF ATTORNEY

The below named inventor, I hereby declare: that my residence, post office address and citizenship is as stated below next to my name;

I verily believe I am the original and first inventor of the invention entitled: **TRACHEAL CATHETER AND PROSTHESIS AND METHOD OF RESPIRATORY SUPPORT OF A PATIENT** of which the specification:

was filed February 4, 2004, as application serial number 10/771,803;

I do not know and do not believe that this invention was ever known or used in the United States of America before our invention or discovery thereof, or patented or described in any printed publication in any country before our invention or discovery thereof, or more than one (1) year prior to the date of this application;

The invention was not in public use or on sale in the United States of America more than one (1) year prior to the date of this application;

This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve (12) months before the date of this application;

I have reviewed and understand to the best of my ability the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above;

I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. Section 1.56;

And I hereby appoint as my attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, individually and collectively:

**Tony D. Alexander
Technology Legal Counsel LLC
Post Office Box 1728
Evans, Georgia 30809**

Please address all communication to Tony D. Alexander at the above address, telephone number 706.210.4026, or facsimile transmission number 706.210.9628.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature 

Date 5/10/2004

Inventor's Name (typed) LUTZ First Middle Initial Family Name FREITAG

Citizenship GERMAN

Residence (City) HEMER

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